



Legal Specialization Digest

Issue 1 2005

<http://www.californiaspecialist.org>

“Your Legal Rights”: A Success Story

By Alice O'Sullivan, *Certified Workers' Compensation Specialist*

What might the following have in common?

Toxic mold, bankruptcy, tax returns, child custody, writing a will, green cards and job injuries?

They were all topics addressed by certified legal specialists on Call-A-Specialist night on the long-standing “Your Legal Rights,” a public service radio program produced at and broadcast on San Francisco’s KALW-FM Public Radio station (91.7 FM). The Board of Legal Specialization (BLS) sponsors the program. Certified specialists are encouraged to appear on the program, now over twenty-years old,

which has expanded its potential listening audience widely through a live internet presence and distribution to seven other California stations. The estimated weekly audience is over 20,000.

Produced and hosted from its beginning by San Mateo County Deputy District Attorney Chuck Finney, Chuck describes the program as “a wonderful forum for educating the public on legal issues as well as a fine place for individual lawyers to make themselves known in the fields of their expertise.”

Thanks to high quality electronic/telephone equipment, on-air guests who cannot travel to the studio sound

as if they are in the KALW studios even though they are on the telephone in their offices or homes during the program.

Regulars on the program are frequently surprised when friends and acquaintances say “I heard you on the radio.” One not only gets to participate in a valuable public service but also gets his/her name spread over the airwaves.

The weekly program is live on KALW (91.7 FM) in the San Francisco Bay Area and is “streamed live” at www.kalw.org every Wednesday night from 7:30 to 8:30 PM. “Your Legal Rights” regularly features Certified Specialists from most

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Lillian Wyshak: Certified Specialist Extraordinaire

By Avram Salkin, *Certified Tax Law Specialist*



Lillian Wyshak

Lillian Worthing Wyshak has been a tax professional for over 55 years and a certified specialist in taxation for the past 30 years. At the age of twenty, she graduated with honors from UCLA College of Business Administration as an Accounting major. The next day, she gave birth to her daughter, Karen, who tragically passed away at the age of 31 some years ago.

After passing all four parts of the CPA exam on the first attempt and becoming a CPA, Lillian joined her father as a partner in his accounting practice, but soon became troubled by several court decisions holding that rendering tax opinions by CPAs constituted the illegal practice of law. That led to USC Law School where she was on the Law Review, thus becoming a

CPA-attorney, which in those days was a rare distinction. Soon after she graduated, she was honored to be one of the first women speakers at the USC Tax Institute which she has attended every year for over 50 years.

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Message from the Chair



By Alice J. MacAllister
Certified Estate Planning, Trust & Probate Law Specialist

As of November 1, 2004, we Certified Specialists are 3,929 strong, and practice in eight different areas of law. One of the primary functions our program serves is to protect the public. When a member of the public retains a Certified Specialist, he or she may or may not know that the attorney has passed an exam, received positive references from other attorneys and judges, performed a quantifiable number of tasks, and regularly attends education in his or her field of expertise. As Chair of the BLS this year, I would like to ask each of you to take a moment with each of your clients to ask them if they are aware of what certification means, and if they are not, to explain to them that the program was established as a protection for the public and that you are one of a relatively small number of practitioners in your field who has taken the steps to become certified. Other attorneys can call themselves specialists if they truly are, but they cannot legally call themselves "Certified Specialists."

The BLS has considered for years how we might get the message out to the public that the program exists. We want the

public asking before they hire an attorney, "Are you a Certified Specialist?" We want them to think, "Is my attorney a Certified Specialist?" "Is my opponent's attorney a Certified Specialist?" While the Board will continue to explore ways to get the message to the public, I am calling on each of you to assist.

I would like each of you to assist in another way that I believe will strongly influence public awareness over time. I want each of you to use the Specialization Logo. Use it instead of BLS text on your business cards, your letterhead, your website, and on any advertising or newsletters you produce. Consistent use of the logo will build instant recognition over time, a branding for each of our certified specialists. It will set us apart from the rest of the pack in the public's perception. The combined effect of 3,929 specialists displaying the logo in a concerted way will help protect the public from trust mills, scam artists, and incompetent attorneys and strengthen the specialization program. You will find an electronic rendering of the logo at www.californiaspecialist.org. Click on "Advertising" when you get there.

Our next specialization exam is scheduled for August 14, 2005. Your assistance is needed in recruiting attorneys to take the exam. I am sure that you know at least one attorney who is not a certified specialist in your field who you believe is a worthy candidate for certified specialist status. I encourage you to ask and encourage them to sign up. Applications are available on our website. Click on "Forms."

Recently I spoke with an attorney representing the beneficiaries of a trust in which I represent the trustee. I asked about his practice and whether he was a certified specialist. I sensed he had been practicing for a long time and seemed quite competent. He said he intended to

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Technical Notes from Bovitz.com: 10 Inexpensive Steps to Land More New Clients

J. Scott Bovitz

Certified Bankruptcy Law Specialist

Do you want more business without spending much money? I am going to tell you how.

Recently, a long-time client asked me to find a lawyer to represent her in another California county. Since I did not know any attorneys in that area, I went to <http://californiaspecialist.org> (which referred me directly to a search engine on the State Bar site for locating certified specialists).

Due to recent changes forced upon us by the State Bar web site team, it was difficult for me to find the correct search button to find specialists who are certified by the California Board of Legal Specialization. (It was easier to find specialists certified by other national organizations.) Your Board of Legal Specialization will try to fix this problem before you read this column.

Even though I had a list of specialists in the distant county, it took a long time to contact and retain a specialist. This adventure reminded me that we all need a little refresher on landing new clients.

Here are my 10 tips for the certified specialist.

1. Update your information with the State Bar and with our specialist search engine.

Please make sure that the State Bar has your firm name, current telephone number, fax number, e-mail address, and web site address. Go to the search engine at <http://californiaspecialist.org> and make sure that you are listed by county and certified specialty. To change your address or other contact information, use My Member Profile on the State Bar website, <http://www.calbar.ca.gov/>.

You can also print out an address change form, which is available on the website home page under Address Change Form, and fax it to 415-538-2576, or mail it to the State Bar of California, Membership Records, 180 Howard St, San Francisco, 94105. Don't make prospective clients (or their current attorneys) search to find your basic contact information.

2. Refresh (or start) your web site.

You do have a web site, don't you? If not, how can an attorney or prospective client pick you out from a list of certified attorneys in the county? I was reminded that most of the smaller firm lawyers do not have web sites. When web sites were on line, I had to hunt for the certified specialist biography. Usually, the information about the specific specialist was far too pithy and general to determine if the lawyer from the legal specialization list was right for my client. My own firm web site (<http://bovitz-spitzer.com>) has the minimum for a static "brochure" site: a home page identifying the web site as an advertisement; extensive biographies for the lawyers (which aids in search engine ranking, as well as promoting the better qualities of a lawyer); up to date pictures of the lawyers; contact information including the mailing address, telephone, fax, e-mail addresses for all attorneys, office hours, a map to the office and courthouse, directions to the office from all points of the compass; an extensive description of all areas of practice for the firm; our billing rates; and a list of useful links. Your web site should be updated weekly. Drop former



J. Scott Bovitz

attorneys from the web site. Hire a web designer on the web, or take a class in web design at a local community college. I use Macromedia Dreamweaver for my web site work. Adobe Go Live and Microsoft Front Page are also fine options. If you already have a web site, start posting articles and materials that you have prepared for recent presentations. Write a 500 word article every week on topics of general interest to your client base. Put something personal on your web site to show your depth. Are you a black belt in one of the martial arts? Do you write movie reviews for the local paper? Do you paint? Do you trek around the world every August? Tell the world on your law firm web site. (Go to <http://bovitz.com>. Listen to my original music and look at my photographs.)

3. Take cold calls from new clients.

If you receive a cold call from a lawyer or prospective client about a "new matter," take the call. Don't force the caller to speak for 20 minutes with your "intake department" (personal assistant). No matter how busy you are, spend three to five minutes on the telephone to determine if the matter is one which you can handle. Apologize, say that you are busy, but ask a few questions about the matter. Show that you care. At the end of this initial (short) call, set a time for a more detailed follow up call or conference with the caller. Or, tell the client that your assistant will call back within the hour

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Legal Specialists: Who and Where We Are

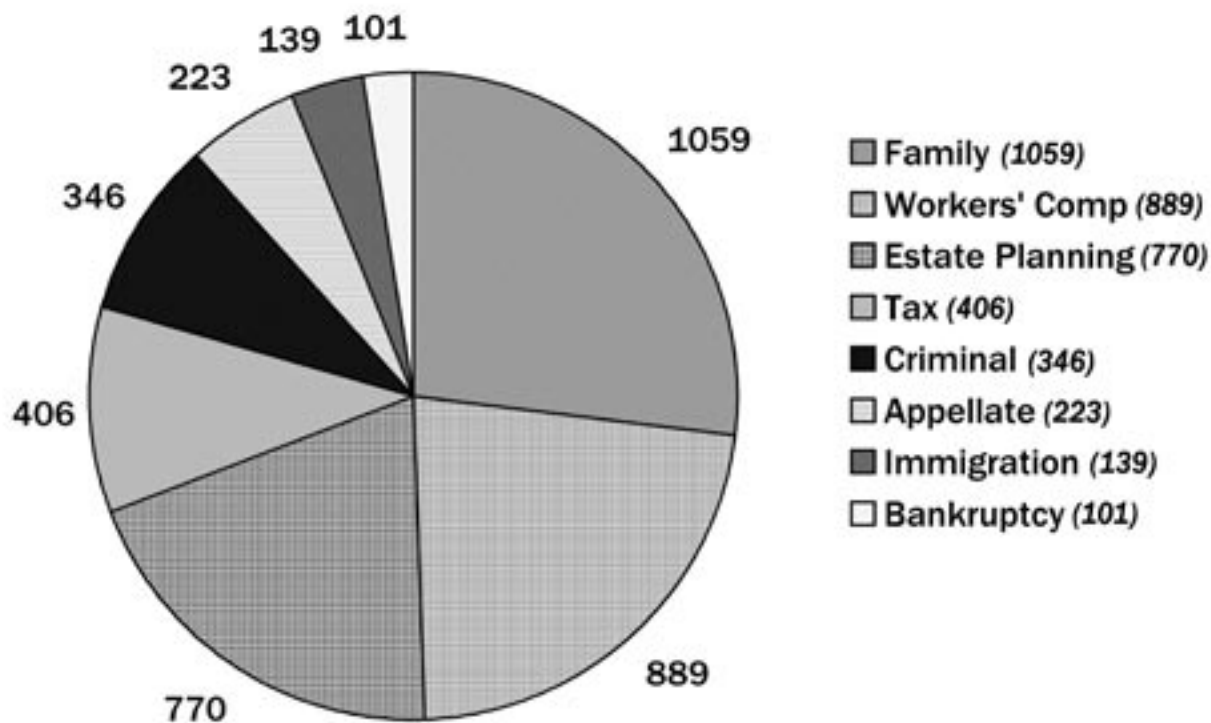
By **Harold J. Cohn**, *Certified Family Law Specialist*

In the 1970's, based on a proposal by the Committee on Legal Specialization, the State Bar Board of Governors adopted a pilot program for certifying attorneys as specialists in specified areas of law. The purpose of the pilot program was to protect the public by identifying attorneys that were proficient in a particular area of law. California was the first State to adopt a system for certifying attorneys who have demonstrated their experience and competence in specific areas of the law. Certification was initially offered in criminal law, taxation law, and worker's compensation law.

The Supreme Court of California approved the pilot program in 1972 and made the program permanent in 1985. Since 1972, five new areas of specialization have been added to the legal specialization program: family law (1979), immigration and nationality law (1986), estate planning, trust and probate law (1988), personal and small business bankruptcy law (1993), and appellate law (1995).

As of October 2004, there were 3,933 certified specialists in the state of California, 1,059 are certified family law specialists, 889 attorneys were certified in the area of worker's compensation, 770 attorneys were involved in estate planning, 406 attorneys in tax, 346 were certified criminal law specialists, 223 attorneys were appellate specialists, 139 were immigration specialists, and 101 were bankruptcy specialists.

Certified Specialists as of 10-04
Total = 3933



The location of family law specialists is scattered throughout the state. Excluding the 22 counties with less than 100 active attorneys (Lake, Siskiyou, Madera, Mono, Del Norte, Plumas, Inyo, Lassen, Amador, Alpine, Colusa, Glenn, Kings, Modoc, Mariposa, Sierra, San Benito, Tehama, and Trinity), Shasta County had the highest percentage of certified family law specialists among active attorneys with 9.6 %. Perhaps it is the skiing? Monterey comes in second with 8.43% of active family law attorneys enjoying the coast, followed up in order by Stanislaus, Solano, Fresno, Napa, San Luis Obispo, Sonoma, Nevada, and Butte counties.

Throughout the state, 2.69% of all active attorneys are certified specialists. Alameda County has the highest percentage of active attorneys who are certified specialists at 2.9%, followed up in order by Sacramento, Orange, Tulare, San Mateo, Los Angeles, Riverside, Sutter, San Francisco, and Imperial.

The following charts reflect the distribution of certified specialists within the top ten counties of California.

As of October, 4.4% of the active judges in California are certified specialists, compared to the 2.69% of the active attorneys who are certified specialists. Marin County heads the judges percentage with over 30% of their judges being certified law specialists, followed in order by Solano County at 20%, Butte at 18%, Tulare, Stanislaus, Imperial, Fresno, San Luis Obispo, Orange, and Santa Clara County with 6.7%.

The top three law schools boasting the most certified specialists are Hastings with 356 certified specialists alumni, Southwestern at 232 and McGeorge at 227. ■

	Los Angeles	San Diego	Orange	San Francisco	Santa Clara
Criminal	77	35	19	31	16
Worker's Compensation	228	64	80	42	42
Estate Planning	168	94	76	42	60
Taxation	135	47	38	40	22
Family	244	145	106	50	85
Immigration	47	15	9	38	3
Bankruptcy	23	11	17	1	8
Appellate	92	21	23	22	2

	Sacramento	Alameda	Contra Costa	Fresno	Ventura
Criminal	11	23	12	34	5
Worker's Compensation	75	44	22	36	36
Estate Planning	24	45	24	3	16
Taxation	20	6	11	9	6
Family	51	32	44	9	24
Immigration	6	2	2	1	0
Bankruptcy	5	2	6	2	1
Appellate	6	16	4	0	8

Your Legal Rights

Continued from Page 1

of the BLS specialties, usually reflecting all sides of legal issues. It is an effective forum to advocate issues, as well as giving “common sense” legal insight to those who call in.

Twice per month the call-in radio show also features off-the-air “Call a Lawyer” nights where Certified Specialists come to KALW to talk with listeners off the air. On the fourth Wednesday of the month, the “Call a Lawyer” night is co-sponsored by the San Francisco Bar Association and attorneys who are members of both the San Francisco and San Mateo County Bar Associations participate in this very valuable public service at KALW-FM. The “Call a Lawyer” night attorneys are identified by name and certified specialty or legal field several times during the radio broadcast. Certified Specialists are encouraged to make themselves available for this service as well.

The BLS is very grateful to Chuck Finney for his leadership in producing and hosting this popular series. With nearly 1000 programs behind him, he has become an adroit interviewer in all specialty areas.

To volunteer as a guest on “Your Legal Rights” or for “Call a Lawyer” night, contact Chuck Finney at 650-363-4097 or Alice O’Sullivan at 415-227-2300. ■

Bankruptcy Law Specialty Notice

In September 2004, the Personal and Small Business Bankruptcy Law specialty was renamed the Bankruptcy Law specialty. The specialty was established in 1993 with a focus on personal and small business (chapter 7) bankruptcy. The Advisory Commission for the specialty recommended the name change to the Board of Legal Specialization because it had become evident over the years that the name was not user-friendly to consumers trying to find a bankruptcy specialist. It also erroneously suggested that certified personal and small business bankruptcy specialists were not capable of handling other than small business matters and, as a result, discouraged bankruptcy specialists who handle chapter 11 matters from seeking certification. After being circulated for public comment, the proposed name change was adopted by the State Bar Board of Governors effective September 11, 2004. ■

Technical Notes from Bovitz

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with the names of three attorneys who might be able to help (if you cannot). Most clients are tense and nervous, so the initial contact is very important. (Get the name, address, and telephone number of everyone you speak with. Send a standard “no thank you” letter to those clients that you decline. Your assistant can print up this letter in two minutes.)

4. Get professional voice mail and check it every hour.

I left messages for several attorneys on behalf of my good client. A number of attorneys did not have modern voice mail. Why not? Your clients, other attorneys, and your personal assistant want you to have voice mail. Telephone company quality voice mail is standard for modern businesses. You don't need a separate machine in your office. Voice mail can be handled from the telephone company office. Get at least 6 minutes of recording time per message. I was shocked to learn that several attorneys still had classic 1980 low quality answering machine tapes...which sounded low class and unprofessional. Most attorneys did not return my call (regarding “new business for a good client”) for several days. Others never returned the call. What kind of message does that send? Whatever type of voice mail you use, check it every hour and return the calls within two hours. If you can't return the call, ask your assistant to return the call and give a particular time that you will call back. If you are in trial, ask for the home telephone number and call back that very evening. Don't promise to call back at a specific time and then forget to call! Put the call on your calendar.

5. If you get a referral, identify the source; send a thank you letter or treat the source to lunch.

Ask the prospective client how he

learned about your services. If the matter came from a professional referral, send a thank you e-mail or letter. (A letter is better.) Better yet, call up the referral source and take her to lunch next week. Make that lunch reservation today. Don't split the check. You should always pay for lunch. (I do.)

6. Send clippings to your referral sources.

You read magazines and newspapers. Cut out and send articles on matters of particular interest to your referral sources, along with a short personal note. This will remind them that you are alive, without drafting a “newsletter.” Don't you already receive too many newsletters? Me, too.

7. Get out of the office! Volunteer for speeches, committees, and such.

Whenever you find an opportunity to speak on or work with a committee in a topic in your field of interest, take it. The more people you know, the better chance you have to root out more business.

8. Spend at least 10% of your time and budget on promotion.

Promoting your business is not free. Plan to spend 10% of your time and annual budget on promotion. A living web site is a great investment. (See above.)

9. Promote the legal specialization program.

You are special...you are a certified specialist. Take the time to invite your qualified colleagues to take the test in August 2005. Offer to pay the application fee for a struggling attorney. Tell every group that you join that you are a certified specialist. When someone asks you what you do, don't say “I am an attorney.” Instead, say “I am a certified legal specialist in appellate law.” Most of the world is unaware of the legal specialization program in California.

10. Keep learning and be enthusiastic about life.

Attend (and present) MCLE programs on a monthly basis. (A lawyer in the San Fernando Valley refers to this as “sharpening the sword.”) Take seminars on legal and business subjects which are not directly related to your specific specialty. To keep fresh, learn something completely new every year. This year, I took a class on recording techniques from a man who won two Grammys and one Emmy. A friend of mine on the Board of Legal Specialization recently founded an all woman, all drum band. Trying new things will make you a better, happier lawyer. The happier you are in your life, the more clients will want to be around you. ■

Message from the Chair ***Continued from Page 2***

look into it but had never taken the time from his busy practice to determine what was required. What an opening! I gave him the website address and made sure that an application was mailed to him. Many of you know similarly qualified attorneys. Make sure you assist in guiding the good ones towards becoming certified specialists.

Passing the exam is always a concern. No one that I know likes taking another exam. Help get the message out that if you are good in your field, you will have no problem passing the exam. All of our advisory commissions have been working on a document that can be used by education providers to prepare courses specifically geared for specialization exam preparation. Our Education Committee will contact the sections and other education providers to establish exam prep courses. While family law has an exam prep course available, tax and estate planning do not and we believe having prep courses available in those areas will encourage more attorneys to take the exam.

When I started writing, I didn't realize I would be asking you for so many favors, but I have another to ask. Your Board members believe that it is difficult, if not impossible, to find our Legal Specialization website from the home page of the State Bar website and that the State Bar should make it easier for the public and attorneys to find us. The State Bar rationale is that our website does not get enough "hits" to warrant making it more visible. To the contrary, we believe that if we make it more visible, it would get more "hits." And so, we go round in circles. Personally, I gave up on finding it on the State Bar website and simply use our web address to go there via the alternate route (californiaspecialist.org). Unfortunately, these "hits" don't count. So I am asking you to visit the site regularly using the State Bar website, and I will try to do the same. Further, complain to the State Bar that we are not visible enough, that you have trouble remembering how to get there, and maybe suggest that they put our logo on the home page so it is possible to jump directly to our website.

We hope to have a new specialty this year in Real Estate Law. We expect the Standards for Certification and Recertification to go out for public comment by March 2005, with submission to the Board of Governors for final approval in the fall. Additionally the National Association of Counsel for Children's certification program in Juvenile Law (Child Welfare) was accredited by the board on March 5, 2005. Finally, our New Specialties subcommittee will consider establishing a consulting group for a specialty in Personal Injury Law. We believe this is an area where the public will greatly benefit.

The Board is studying the Ardent Group Report that recommends implementation of a publicity campaign. Our Publicity/Public Awareness subcommittee will present their recommendations

to the Board of Legal Specialization at our next meeting. We will be taking concrete steps to spread the message that there is a pool of highly trained attorneys with specialized expertise in California. We want everyone to know how special each of you are, not just your Board. If you have ideas to share, please let me know. Also, please consider helping us on a regular basis by sending in an application for appointment to your Advisory Commission. I know you will enjoy the experience. I certainly did. ■



Lillian Wyshak

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After a year with Boyle, Bissell & Atwill in Pasadena, and a year with Parker, Milliken & Kohlmeier in Los Angeles, she was hired by U. S. Attorney, Laughlin E. Waters, as the first woman in the Los Angeles Tax Division, which consisted of four attorneys. She encountered many colorful characters, both taxpayers and attorneys, with wonderful tales to tell and issues to raise. Her experiences include taking Bob Hope's deposition and representing then-Commissioner of Internal Revenue, Dana Latham, when he was subpoenaed by Bob Hope's attorney. After she became the senior member in the Tax Division, the new U. S. Attorney selected a member of his own political party as Chief of the Los Angeles Tax Division, which led to her resignation and entry into private practice.

Shortly after her resignation as a U.S. Attorney, she went to Cambodia to see Angkor Wat (the largest religious monument in the world), followed by a trip to Japan coordinated by a Japanese Appellate Judge from Osaka whom Lillian met during the Judge's visit to Los Angeles. The Judge assigned a lawyer to be the Wyshak guide while in Osaka—and he kept saying the only English words he knew: "Time is money"!

Upon returning from the exotic lands of Cambodia (where she met Prince Sihanouk at a Royal Palace ceremony), Thailand, Hong Kong and Japan, Lillian settled into private practice of estate planning, probate and tax controversy matters. In 1974, she was among the first attorneys designated by the California Board of Legal Specialization of the State Bar of California as a Certified Taxation Law Specialist, and was the first woman to bear that distinction.

At the age of 40, Lillian decided that her specialized business and legal education had deprived her of an appro-

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Lillian Wyshak

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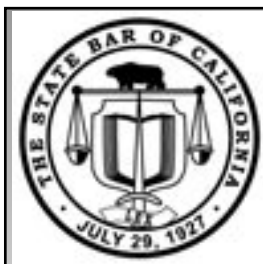
privately broad cultural background. She returned to UCLA as a part-time student, obtained a Masters Degree in anthropology, and completed all of the course work needed to obtain a Ph.D. in art history. The art history program led to one of her most exciting projects—spending three months in Egypt on a UCLA grant, exploring Egyptian art and ancient tombs.

During her lengthy career, Lillian has been active in the Beverly Hills, Los Angeles and American Bar Associations as a member of the Committees of Taxation, Probate and Trust in each organization. She served for many years as a volunteer Referee of the State Bar and as a Fee Arbitrator for the Los Angeles County Bar. For nine years she was on the Board of Trustees of the University of Redlands. She has written numerous articles on taxation, among them, Capital Gains on Real Estate Subdivisions, Income Tax Problems

in Community Property States, and Federal Tax Problems of Life Insurance. She is also a lifetime member of the California Society of CPAs

Lillian's life achievements have rubbed off on her four daughters, Robin, Susie, Deanne and Patty, who have earned, respectively, a Ph.D. in Art History, an MBA, a Masters in Art History, and an M.D. with a specialization in Internal Medicine. Between a successful law practice and all of this educational achievement, the family traveled extensively throughout the world, including a cruise through the Indonesian Islands, as well as extensive tours through most of the major European countries, Japan and Mexico.

Lillian has been driven with a zest for professionalism, education, and life in general. She is a person who has always viewed life from one step ahead and moved forward to seize the moment. However, despite all of her achievements, Lillian has experienced two disappointments in addition to the devastating loss of her daughter, Karen. She lost in her campaign to become a member of the Beverly Hills City Council and has been unable to locate a position as the director (or at least an executive) of one of the world's great museums. This quest is not over yet, and no one should underestimate the possibility that one of the world's great museums will find this super achiever and take advantage of her talents. ■



To contribute to the Digest,
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